

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA, HUNTINGTON**

Jane Doe,

Plaintiff,

v.

Civil Action No.: 3:22-cv-00461

**Chili's of West Virginia, Inc., d/b/a
Chili's Grill & Bar, Brinker International Inc.,
Carl Wiles, and Edwin Rodriguez,**

Defendants.

MOTION TO PROCEED WITH A PSEUDONYM

Under the Federal Rules of Civil Procedure, Rule 10(a) a complaint "must name all the parties." Fed. R. Civ. P. 10(a). However, "in exceptional circumstances, compelling concerns relating to personal privacy or confidentiality may warrant some degree of anonymity in judicial proceedings, including use of a pseudonym." *Co. Doe v. Pub. Citizen*, 749 F.3d 246, 273 (4th Cir. 2014) (citing *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1993)).

The Fourth Circuit has identified five nonexclusive factors to consider when determining whether a party may proceed under a pseudonym:

[W]hether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of sensitive and highly personal nature; whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent non-parties; the ages of the persons whose privacy interests are sought to be protected; whether the action is against a governmental or private party; and, relatedly, the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

James v. Jacobson, 6 F.3d 233, 238 (4th Cir. 1993) citing *Doe v. A Corp.*, 709 F.2d 1043, 1044 n.1 (5th Cir. 1983).

As described at length in the Complaint, Plaintiff was terminated after she was forced to reveal her medical diagnosis of HIV to her employer. Her HIV status constitutes medically sensitive information and is of a highly personal nature. Public disclosure of her HIV status could result in further workplace discrimination against Plaintiff, by her current or future employers. Additionally, Defendants are private parties who will suffer no unfairness if Plaintiff is permitted to proceed under a pseudonym. Given the nature of this action, Plaintiff respectfully requests permission to proceed using a pseudonym.

JANE DOE
Plaintiff, by and through Counsel,

/s/Laura Davidson
Laura Davidson (WVSB #13832)
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